

1 BRIAN M. BOYNTON
2 Principal Deputy Assistant Attorney
General

3 BRIGHAM J. BOWEN
4 Assistant Branch Director

5 GISELLE BARCIA
6 Trial Attorney
7 Civil Division, Federal Programs Branch
U.S. Department of Justice
1100 L Street NW
Washington, D.C. 20005
Telephone: (202) 305-1865
Fax: (202) 514-8640
E-mail: giselle.barcia@usdoj.gov

9
10 *Counsel for Defendants*

11 **UNITED STATES DISTRICT COURT
12 DISTRICT OF ARIZONA**

13 THE CHURCH OF THE EAGLE AND
THE CONDOR, *et al.*,

14 Plaintiffs,

15 v.

16 MERRICK GARLAND, *et al.*,

17 Defendants.

18
19 **Case No. 2:22-cv-01004-SRB**

**UNOPPOSED MOTION TO
EXTEND RESPONSIVE
PLEADING DEADLINE
(First Request)**

20 Defendants through counsel and pursuant to Fed. R. Civ. P. 6(b) and LRCiv 7.3,
21 seek an order extending the deadline to file a responsive pleading until November 15, 2022,
22 Plaintiff's deadline to file any potential opposition until December 15, 2022, and
23 Defendant's deadline to file any potential reply until January 5, 2023. This is the first
24 request for an extension by Defendants in this matter. Plaintiffs do not oppose this request.

25 Plaintiffs filed their Complaint on June 9, 2022 and served a copy of the Complaint
26 and Summons on the United States Attorney's Office for the District of Arizona on August
27 19, 2022 via certified mail. The Complaint seeks declaratory and injunctive relief
28 stemming from claims under the Religious Freedom Restoration Act of 1993, 42 U.S.C.

§ 2000bb-2000bb (4) and under the First, Fifth, and Ninth Amendments of the United States Constitution. The Complaint also asserts under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 (a)(8)(A).

Undersigned seeks to streamline the litigation by setting a singular deadline for response for the FOIA claims together with the remaining claims. To that end, it requires additional time to receive materials from the subject agency, and to prepare a responsive pleading. Undersigned contacted Plaintiff's counsel, who does not object and will not oppose Defendants' request. Finally, the requested extension would not result in a significant delay and undersigned affirms it is not sought for any other improper purpose.

For all the foregoing reasons, Defendants request that the Court issue an order extending its responsive pleading deadline for all claims up to and including November 15, 2022, Plaintiff's subsequent deadline for any potential opposition, if appropriate, up to and including December 15, 2022, and Defendant's deadline for any potential reply until January 5, 2023.

Respectfully submitted this 19th day of September, 2022.

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney
General

BRIGHAM J. BOWEN
Assistant Branch Director

/s/ Giselle Barcia
GISELLE BARCIA
Trial Attorney
Civil Division, Federal Programs Branch
U.S. Department of Justice

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2022, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Jack Silver
Law Office of Jack Silver
708 Gravenstein Hwy N, Ste. 407
Sebastopol, CA 95472-2808
Tel.: 707-528-8175
Fax: 707-829-0934
E-mail: lhm28843@sbcglobal.net
E-mail: jsilverenvironmental@gmail.com

Gilbert Paul Carrasco
Willamette University College of Law
19431 Sunray Lane, Ste. 102
Huntington Beach, CA 92648-6401
Tel.: 714-698-8142
E-mail: carrasco@willamette.edu

Ismail L Ali
1530 Campus Dr.
Berkeley, CA 94708
Tel.: 559-801-7317
E-mail: lourido.ali@gmail.com

Martha J Hartney
Hartney Law LLC
4450 Arapahoe Ave.
Boulder, CO 80303
Tel.: 303-747-3909
Fax: 303-835-7199
E-mail: martha@hartneylaw.com

Sean T McAllister
McAllister Law Office PC
4035 E 3rd Ave.
Denver, CO 80220
Tel.: 720-448-6235
E-mail: sean@mcallisterlawoffice.com

1
2 *s/ Giselle Barcia* _____
3 GISELLE BARCIA
4 Trial Attorney
Civil Division, Federal Programs Branch
U.S. Department of Justice

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28